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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ENT & TRADE Application of: Clarke *et al.*  
Application Serial No.: 09/920,517  
Filed: August 1, 2001  
Title: ISOLATION AND USE OF SOLID TUMOR STEM CELLS  
  
Group Art Unit: 1632  
Examiner: Li, Qian J.  
  
Atty. Docket No.: 060173-0014 (UMIP-003)

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(1)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on the date indicated below.

Date: December 3, 2002

  
John Prince

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

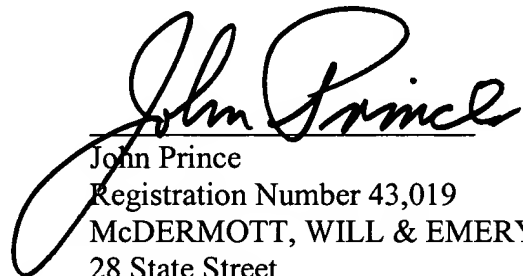
In response to the Restriction Requirement dated November 4, 2002 (Paper 7), in the above-identified patent application, Applicants elect to prosecute the claims of Group I, directed an isolated solid tumor stem cell or enriched population thereof, and methods of making such (claims 1-30 and 32-40). This election is made without traverse. Applicants reserve the right to prosecute the claims of Groups II-XVIII in a later application.

This Response is due December 4, 2002. No fee is believed to be due. Please charge any additional fees which may be due, or credit any overpayment, to Deposit Account Number 50-1133.

The Examiner is invited to telephone the undersigned attorney to discuss any aspect of this application or this response.

Respectfully submitted,

Date: December 3, 2002

  
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**PRELIMINARY AMENDMENT**

Preliminary to the examination on the merits of the above-identified patent application, please amend the application as follows:

***In the Claims***

Kindly amend the following claims:

- Sub B 15*
1. An isolated solid tumor stem cell, wherein:
    - (a) the solid tumor stem cell is derived from a solid tumor; and
    - (b) the solid tumor stem cell is tumorigenic.
  - cal* 2. The isolated solid tumor stem cell of claim 1, wherein the solid tumor stem cell expresses the cell surface marker CD44.
  3. The isolated solid tumor stem cell of claim 1, wherein the solid tumor stem cell does not express detectable levels of one or more LINEAGE markers, wherein a LINEAGE marker is selected from the group consisting of CD2, CD3, CD10, CD14, CD16, CD31, CD45, CD64, and CD140b.